

EXHIBIT 1

SUM-100

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

WALMART, INC.; and DOES 1 through 20, Inclusive.

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

MARK REMME

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is: Judge Glenn Salter

(El nombre y dirección de la corte es): North Justice Center

1275 N. Berkeley Avenue, Fullerton, California 92832

CASE NUMBER:
(Número del Caso):

30-2022-01275694-CU-PO-NJC

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

S. Sean Bral, Esq., Bral & Associates, 1310 Westwood Boulevard, Los Angeles, CA. 90024, (310) 789-2007

DATE: 01/09/2023
(Fecha)

DAVID H. YAMASAKI, Clerk of the Court

Clerk, by A. Gill
(Secretario)

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.

2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): WALMART, INC.

under: ☒ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ other (specify):

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)

4. ☐ by personal delivery on (date):

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BRAL & ASSOCIATES
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Attorneys for *Plaintiff*,
 MARK REMME

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 COUNTY OF ORANGE, NORTH JUSTICE CENTER

MARK REMME,

Plaintiff,

vs.

WALMART, INC.; and DOES 1 through
 20, inclusive.

Defendants.

Case No.:

30-2022-01275694-CU-PO-NJC

FIRST AMENDED COMPLAINT FOR
 DAMAGES

1. NEGLIGENCE/PREMISE
 LIABILITY

Plaintiff alleges:

1. *Plaintiff*, MARK REMME ("Plaintiff"), is and at all times relevant herein was, an individual residing within the County of Orange, and the State of California.
2. *Plaintiff*, MARK REMME, is informed and believes and thereupon alleges, that *Defendant* WALMART, INC., and DOES 1 through 20, inclusive, are, and at all relevant times herein were, business entities formed and operating within the State of California, and operating and doing business within the County of Orange.

FIRST AMENDED COMPLAINT FOR DAMAGES

- 1 3. The true names and capacities, whether individual, corporate, associate or otherwise, of
2 Defendants DOES 1 through 20, inclusive, are unknown to Plaintiff, who therefore sues said
3 Defendants by such fictitious names, and Plaintiff will seek leave of Court to amend this
4 Complaint, in order to show the true names and capacities thereof when such true names and
5 capacities have been ascertained.
- 6 4. Plaintiff is informed, believes and thereupon alleges, that each of the Defendants designated
7 herein as a DOE is responsible, negligently or in some other manner, for the events and
8 happenings herein referred to, and thereby proximately caused injuries and damages to
9 Plaintiff as hereinafter alleged.
- 10 5. Defendants at all times mentioned herein were the agents, servants, employers, employees,
11 partners, members, shareholders, officers, directors, joint venturers, and *alter egos* of each
12 other, and in doing or failing to do the things hereinafter mentioned were acting within the
13 purpose and scope of her agency and employment and with the knowledge and consent of
14 each other and with such a unity of interests between each other and with the individual
15 owners of each corporate or government entity, that any corporate or government shield or
16 fictitious entity should be disregarded.
- 17 6. As used herein, the term "Defendants" means all Defendants, both jointly and severally, and
18 references by name to any named Defendant shall include all Defendants, including but not
19 limited to DOE Defendants, both jointly and severally.
- 20 7. Each and all of the acts, events and injuries alleged hereinafter, took place and were
21 sustained on or about August 18, 2020 on or about 8:10 a.m.
- 22 8. At all times mentioned herein, Defendants, and each of them, owned, maintained,
23 controlled, managed, supervised and/or operated the property located at or near 2595
24 Imperial Highway, Brea, California 92821 ("Premises").
- 25 9. At the aforementioned time and place, Defendants so negligently maintained, controlled,
26 managed, operated, inspected, and/or supervised said Premises as to prevent foreseeable
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1 users, invitees, or residents, such as Plaintiff, from being exposed to perilous and unsafe
2 conditions, inclusive without limitation, wet floors with a puddle of water or liquid, causing
3 the Plaintiff to fall and thereby sustain the hereinafter-described injuries and damages.

4 10. Defendants knew, or in exercise of reasonable care should have known, that such actions
5 and omissions constituted a dangerous and an unreasonable risk of harm of which Plaintiff
6 at all times was unaware of.

7 11. Defendants, and each of them, negligently failed to take steps to either make the condition
8 safe or warn Plaintiff and others of the dangerous condition, thereby causing the hereinafter-
9 described injuries and damages to the Plaintiff.

10 12. As the direct and proximate result of the negligence of the above-named Defendants, and
11 each of them, jointly and severally, Plaintiff was hurt and injured in his health, strength and
12 activity, sustaining serious injuries to his body and suffering severe shock and injuries to his
13 nervous system and person, all of which injuries have caused, and continue to cause,
14 Plaintiff great mental, physical, psychological and nervous pain and suffering, all to
15 Plaintiff's general damages in an amount in excess of the jurisdictional minimum of this
16 Court.

17 13. As a further and direct and proximate result of the negligence of Defendants, and each of
18 them, jointly and severally, Plaintiff was required to and did incur medical and incidental
19 expenses thereby. The exact amount of such medical and incidental expenses is presently
20 unknown to Plaintiff and Plaintiff will therefore seek leave of Court to amend this
21 Complaint, in order to set forth the exact amount of such medical and incidental expenses,
22 when such exact amount has been ascertained.

23 14. Plaintiff is informed, believes, and thereupon alleges, that as the direct result and proximate
24 cause of the negligence of Defendants, and each of them, jointly and severally, Plaintiff will,
25 for a period to time in the future, be required to employ physicians and incur additional
26 medical and incidental expenses thereby. The exact amount of such expenses is presently
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30-200
1 unknown to Plaintiff and Plaintiff therefore will seek leave of Court to amend this
2 Complaint, in order to set forth the exact amount thereof, when such exact amount has been
3 ascertained.

4 15. At the time of the above-mentioned incident, Plaintiff was gainfully employed. As a further
5 and direct and proximate result of the negligence of Defendants, and each of them, Plaintiff
6 was unable to attend to her usual employment and has lost income. The exact amount of
7 such damages is presently unknown to Plaintiff, and Plaintiff will seek leave of Court to
8 amend this Complaint, in order to set forth the exact amount thereof, when such exact
9 amount has been ascertained.

10 16. Plaintiff is informed, believes, and thereupon alleges, that as a direct and proximate result of
11 the negligence of Defendants, and each of them, Plaintiff will, for a period of time in the
12 future, be unable to attend to, and/or obtain, gainful employment, or that her ability to obtain
13 gainful employment is diminished and/or her earning capacity has been diminished. The
14 exact amount of such losses is presently unknown to Plaintiff, and Plaintiff will seek leave
15 of Court to amend this Complaint, in order to set forth the exact amount thereof, when such
16 exact amount has been ascertained.

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18 **WHEREFORE**, Plaintiff prays for judgment against Defendants, and each of them, jointly
19 and severally, as follows:

- 20 1. General damages, according to proof and in an amount in excess of the jurisdictional
21 minimum of this Court;
22 2. Medical and incidental expenses, according to proof;
23 3. All other special and incidental damages, according to proof;
24 4. Loss of earnings, according to proof;
25 5. Loss of earning capacity, according to proof;
26 6. Pre-judgement interest according to proof;
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1 7. Costs of suit incurred herein;

2 8. Such other and further relief as the Court may deem just and proper.

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4 DATED: January 10, 2023

BRAL & ASSOCIATES

5 S. Sean Bral

6 BY: S. Sean Bral
7 Attorneys for Plaintiff,
8 MARK REMME
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